

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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IN RE: NEW ENGLAND COMPOUNDING) MDL No. 2419
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) Master Dkt. No. 1:13-md-2419- RWZ
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This Document Relates To:
All Cases
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**SECOND ASSENTED-TO MOTION FOR EXTENSION OF TIME FOR
DEFENDANT UNIFIRST CORPORATION AND THE TENNESSEE CLINIC
DEFENDANTS TO RESPOND TO DEFENDANT AMERIDOSE LLC'S MOTION TO
PROCEED WITH FDA-AUTHORIZED DESTRUCTION OF RECALLED INVENTORY**

Defendants UniFirst Corporation (“UniFirst”) and Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; Donald E. Jones, MD (collectively “the Tennessee Clinic Defendants”), hereby move, with the assent of defendant Ameridose LLC (“Ameridose”), for a second brief extension of time until May 23, 2014 to respond to Ameridose’s Motion to Proceed with FDA-Authorized Destruction of Recalled Inventory (the “Motion”). (Dkt. No. 1090).

In support of this motion, UniFirst and the Tennessee Clinic Defendants state as follows:

1. Ameridose filed its Motion on April 11, 2014, in which it asks the Court to authorize the destruction of various products which were returned to Ameridose in response to its voluntary recall of all products from the market (“Recalled Inventory”).

2. UniFirst and the Tennessee Clinic Defendants requested certain information and documents from Ameridose to assist them in determining whether, and to what extent, the Recalled Inventory is relevant to their defense (or whether examination of that inventory may lead to the discovery of other relevant and admissible evidence).

3. Counsel for Ameridose provided UniFirst and the Tennessee Clinic Defendants with a subset of the information requested, namely spreadsheets that list all of the Recalled Inventory.

4. To allow UniFirst and the Tennessee Clinic Defendants the opportunity to review the Ameridose information and to meet and confer with Ameridose to determine whether Ameridose would provide additional information, the parties agreed to extend the time to respond to Ameridose's Motion to May 9, 2014 (Dkt. Nos. 1098, 1099).

5. After further discussions regarding the Recalled Inventory, UniFirst and the Tennessee Clinic Defendants do not object to Ameridose destroying from the Recalled Inventory any narcotics or "scheduled" drugs that require "high security facilities and protocols" for storage, as described in Ameridose's Motion.

6. UniFirst, the Tennessee Clinic Defendants, and Ameridose need additional time, however, to try to further narrow any disagreement on how to handle the remaining materials in the Recalled Inventory. All parties believe the additional time is likely to narrow (if not eliminate) remaining areas of disagreement on this issue, and none of the parties believe that this extension will result in any undue delay in this case.

7. UniFirst and the Tennessee Clinic Defendants therefore request a brief extension, until May 23, 2014, to submit any papers in response to Ameridose's Motion.

8. Ameridose assents to the relief requested herein.

WHEREFORE, UniFirst and the Tennessee Clinic Defendants respectfully request, with the assent of Ameridose, that the Court grant its motion and enter an Order extending UniFirst and the Tennessee Clinic Defendants' time to respond to Ameridose's Motion to May 23, 2014.

Respectfully submitted,

DEFENDANT UNIFIRST CORPORATION

By its attorneys,

/s/ James C. Rehnquist

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AND

THE TENNESSEE CLINIC DEFENDANTS

By their attorneys,

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Dated: May 9, 2014

¹ Admitted pursuant to MDL Order No. 1.

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**LOCAL RULE 7.1(A)(2) CERTIFICATION
AND CERTIFICATE OF SERVICE**

I, James C. Rehnquist, hereby certify that counsel for Defendant, UniFirst Corporation, conferred by e-mail with opposing counsel in an effort to resolve or narrow the issues presented in this motion prior to filing, and opposing counsel assents to the relief sought herein.

I further certify that a copy of this document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF) will be sent to these parties by operation of the CM/ECF system on May 9, 2014.

/s/ James C. Rehnquist